

**Before the  
Federal Communications Commission  
Washington DC, 20554**

In the Matter of )

Misuse of Internet Protocol (IP) Captioned  
Telephone Service )

CG Docket No. 13-24

Telecommunications Relay Services and Speech-  
to-Speech Services for Individuals with Hearing  
and Speech Disabilities )

CG Docket No. 03-123

**COMMENTS OF THE PUBLIC SERVICE COMMISSION  
OF THE DISTRICT OF COLUMBIA**

Pursuant to the Further Notice of Proposed Rulemaking (FNPRM) issued in these proceedings on August 26, 2013,<sup>1</sup> the Public Service Commission of the District of Columbia (DC PSC) files comments regarding the Federal Communications Commission's (FCC) proposal to transfer the responsibilities for administering and overseeing intrastate Internet Protocol Captioned Telephone Service (IP CTS) to state telecommunications relay service (TRS) programs.<sup>2</sup> The DC PSC does not support the FCC's proposal to transfer the responsibilities for administering and overseeing IP CTS to state TRS programs. In the following comments, the DC PSC describes some of its major concerns with the FCC proposal which would place additional cost and administrative burdens on the DC PSC; likely result in additional costs to

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<sup>1</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 13-24; CG Docket No. 03-123, Further Notice of Proposed Rulemaking ("FNPRM"), released August 26, 2013.

<sup>2</sup> FNPRM, ¶ 131.

District ratepayers at a time when they are already burdened with rising costs; and require the DC PSC to manage a program for an IP service that the DC PSC does not otherwise regulate.<sup>3</sup>

**A. TRANSFER OF OVERSIGHT OF INTRASTATE IP CTS WOULD RESULT IN INCREASED ADMINISTRATIVE BURDENS ON THE DC PSC THAT WOULD BE COSTLY AND DIFFICULT TO MANAGE.**

In the FNPRM, the FCC seeks comment on whether it should transfer the responsibilities for administering and overseeing IP CTS to state TRS programs. Part of this transfer would include the responsibility for registering and certifying the eligibility of new IP CTS users.<sup>4</sup> The FCC proposes that the state TRS programs would become obligated to conduct eligibility assessments of potential IP CTS users and then populate the Telecommunications Relay Service User Registration Database (TRS-URD) with the necessary data.<sup>5</sup> State programs would be required to use the FCC's registration and self-certification requirements to verify eligibility of IP CTS users, however, the FCC also seeks comments about whether states should create their own eligibility requirements for IP CTS.<sup>6</sup>

In the FNPRM, the FCC asserts that states currently perform many registration and verification functions when providing CTS or providing IP CTS or IP CTS equipment in their states. The FCC then seeks comment on whether the transfer of IP CTS would entail new

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<sup>3</sup> See, *Connect America Fund; A National Broadband Plan for our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Board on Universal Service; Lifeline and Link Up; Universal Service Reform – Mobility Fund*, WC Dockets No. 10-90, 07-135, 05-337, 03-109, CC Dockets No. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking (“USF/ICC Order”) ¶ 63, n.67, rel. November 18, 2011.

<sup>4</sup> FNPRM, ¶ 131.

<sup>5</sup> FNPRM, ¶ 132.

<sup>6</sup> FNPRM, ¶ 133.

responsibilities on state TRS programs, and the costs and benefits that such a transfer would entail.<sup>7</sup>

Currently, the District of Columbia Universal Service Trust Fund (DC USTF), a state fund, funds two types of TRS: traditional TRS and CTS (also known as CapTel in the District of Columbia). The DC PSC selects the providers of those two versions of TRS through separate competitive bidding processes, so that there is one provider of traditional TRS, and one provider of CTS in the District of Columbia.<sup>8</sup> The pricing for these services is established in the contracts as per minute charges. Regarding verification of customers, the DC PSC does not currently verify the eligibility of customers for any type of TRS service, including CTS. Therefore a requirement to register and certify the eligibility of new IP CapTel users and to populate a new TRS-URD database with this information would require DC PSC to add staff and take on totally new responsibilities.

Regarding CTS equipment, the DC PSC does not have a TRS or CTS equipment program that provides free TRS or CTS equipment. The DC PSC's CTS contract states that the CTS user is to pay for the costs of the equipment. These costs are not to be rolled into a per minute rate. Instead, the CTS provider offers CTS equipment to customers for the price of \$99, which is a reduced price.<sup>9</sup>

The FCC's proposal to transfer the administration of IP CTS to state TRS programs would greatly expand the number of functions that state relay programs perform. The proposed

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<sup>7</sup> FNPRM, ¶ 134.

<sup>8</sup> The DC PSC filed its TRS and CTS contracts with the FCC pursuant to the TRS recertification process. *See*, Supplement to Application for Renewal of Current TRS State Certification, CG Docket No. 03-123 (Supplement), filed February 1, 2013.

<sup>9</sup> *See*, AT&T Response to Public Service Commission of the District of Columbia's RFP # PSC-11-10 Formal Case No. 988 for Captioned Telephone Relay Service, (CTS RFP Response) at 175. The RFPs and RFP Responses are incorporated into the TRS and CapTel contracts by reference.

changes would potentially increase the administrative costs for the intrastate TRS program substantially for the DC PSC. Adding another form of intrastate TRS to be funded by the DC USTF will also necessarily increase the costs for the fund that are paid for by District of Columbia telecommunications service customers. Considering that the costs for intrastate IP CTS have increased substantially,<sup>10</sup> the DC PSC is concerned about the effect of adding intrastate IP CTS to its funding obligations under the existing DC USTF. The proposed change has a great potential for a substantial increase in the funding requirements. The DC PSC is particularly concerned about being required to fund a potentially large cost through its DC USTF for an IP service that cannot be regulated by the DC PSC. Considering that the DC USTF is funded by assessments on providers of regulated local telecommunications services, it would be anomalous, unfair, and unreasonable to have assessments on customers for regulated telecommunications services pay for an unregulated IP service. Because the DC PSC does not currently verify customer eligibility for any type of TRS, the DC PSC will have to expend additional financial and staff resources to put such a program in place if IP CTS providers are not required to verify customer eligibility for IP CTS.<sup>11</sup> The DC PSC would be required to bear additional staffing and administrative costs if the program was managed internally or additional procurement expenses if the DC PSC elected to seek assistance from an outside contractor.

The FNPRM inquires about the amount of time needed to start an IP CTS program if the FCC decides to mandate such a program. When the DC PSC began its TRS program which was set up by order and regulations after input from stakeholders and that was administered through a

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<sup>10</sup> The DC PSC recognizes that many of the reforms undertaken in the Report and Order may decrease the number of minutes for IP CTS, but adding another form of TRS to be funded by intrastate TRS funds will increase the total funds expended by intrastate TRS funds.

<sup>11</sup> See, FNPRM, ¶ 132.

competitive procurement, the process took 18 months. The proposed changes would require a change in DC PSC rules and the DC PSC would want to provide an opportunity for its DC USTF Working Group and its TRS Advisory Group to provide its input. The DC PSC would be required to select an IP CTS vendor through a competitive bidding process. The DC USTF budget would also have to be increased substantially to take into account the higher IP CTS costs. The DC PSC may have to hire additional personnel to perform CTS customer eligibility verifications. All of these changes would require at least six months to a year to implement.

Finally, it is unclear from the FNPRM whether an additional funding stream will be made available to cover the additional costs and responsibilities. If these new costs are to be paid for out of the DC USTF, that is a serious cause of concern, especially with the reported increase in the IP CTS use and program costs as noted in the FNPRM. Any change that would result in another potentially large increase in DC USTF funding is a serious concern because District telecommunications service ratepayers are already paying a significant DC USTF surcharge. For these reasons, the DC PSC does not support the FCC's proposal to transfer administrative responsibility for IP CTS or intrastate IP CTS costs to the states in general and to the DC PSC, in particular.

**B. IF THE FCC MOVES FORWARD WITH ITS PROPOSAL DESPITE THIS OPPOSITION, IT SHOULD ALLOW FLEXIBILITY IN THE ADMINISTRATION OF THE RESULTING PROGRAM.**

If the FCC moves forward with its proposal to transfer intrastate IP CTS to the states, the DC PSC recommends that any FCC transfer of responsibility of intrastate IP CTS should include the same amount of flexibility as is currently permitted for the administration of traditional TRS and CTS. States should still be permitted to select an intrastate IP CTS provider by competitive bid, and should be permitted flexibility in how they arrange for verifying customer eligibility,

whether by the state agency or a third party. States should also have flexibility in establishing the requirements for customer eligibility.

**C. THE FCC SHOULD PROMOTE WAYS TO ENSURE THAT LOW INCOME CTS USERS HAVE ACCESS TO CTS EQUIPMENT.**

The FCC also inquires about how low income customers can gain access to IP CTS equipment, since the FCC has a requirement that a consumer must spend at least \$75 on IP CTS equipment.<sup>12</sup> The DC PSC encourages the FCC to create a program that will assist low income customers in obtaining IP CTS equipment. To facilitate the establishment of such a program, the DC PSC recommends that the FCC use existing low income guidelines for the income qualifications and use the eligibility certification procedures as certification of need for the equipment. The DCPSC agrees with the FCC,<sup>13</sup> that states should not be compelled to establish equipment distribution programs.

**D. CONCLUSION**

The DC PSC appreciates the FCC's efforts to ensure that only those consumers that need IP CTS are using the service in order to avoid continued large cost increases; however, the solution to this problem should not include shifting responsibility to the states for intrastate IP CTS, when states in general, and the DC PSC in particular, cannot regulate IP services. Additionally, such a shift would pose greater financial and administrative burdens on state TRS funds. The DC PSC, like some of our fellow states, simply cannot absorb these increases upon short notice; nor can District ratepayers. Finally, the DC PSC agrees with the FCC that states should not be required to establish equipment distribution program but there should be a process

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<sup>12</sup> FNPRM, ¶ 41, 144.


<sup>13</sup> FNPRM, ¶ 134.

by which qualified low income customers can gain access to IP CTS equipment, since that will increase their ability to access the telecommunications network.

The Commission appreciates the opportunity to submit comments in this proceeding.

Respectfully submitted,

**PUBLIC SERVICE COMMISSION  
of the DISTRICT OF COLUMBIA**

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